IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :04.06.2007

C O R A M :

THE HONOURABLE MR.A.P.SHAH, THE CHIEF JUSTICE
AND
THE HONOURABLE MR.JUSTICE P.JYOTHIMANI

W.A.No. 433 of 2007
and W.A. M.P.No.97 of 2007

Ramaswami Chettiar
Trustee of Pattathalachi Amman Temple
Maravarperungudi
Aruppukottai Taluk. ... Appellant/Petitioner.

-vs-

The Special Commissioner and
Commissioner of Land Administration
Chepauk, Chennai 600 005. ... Respondent/Respondent.

Writ Appeal filed under Clause 15 of Letters Patent against the order of the learned single Judge made in W.P.No.5839 of 1997 dated 29.04.2004 for issuance of Writ of Certiorari to call for th erecords relating to the proceedings of Special Commissioner and Commissioner of Land Administration, Chepauk, Chennai 5 made in Proc.No.R.Dis.K3 RP/21/91 dated 24.1.97 and to quash the same.

For appellant :: Mr. P. Rajagopal

For respondent :: Mr. Raja Kalifulla
Government Pleader

JUDGMENT

WEB COPY

(DELIVERED BY P.JYOTHIMANI,J.)

In respect of 2 Acres and 48 cents of land situated in Survey No.225 at Maravarperungudi, Aruppukottai Taluk, Ramanadhapuram District, in which the temple is situate along with Oorani, which is the source of water for the people in the Village, originally the patta was granted in favour of the appellant relating to the land categorised as Oorani, and subsequently, the same was cancelled by the Assistant Settlement Officer. The said order of the Assistant Settlement Officer was set aside by this

https://hcservices.ecourts.gov.in/hcservices/

court in W.P.No.1293 of 1978 and subsequently patta was given to the petitioner as per the orders of the Board of Revenue. Based on the same, the Tahsildar, Aruppukottai Taluk has carried out necessary changes in the Village and Taluk Accounts. It was, thereafter, having found that the Oorani was meant for public purpose, the Board of Revenue initiated suo-motu proceedings to set aside the earlier order of granting patta and after enquiry the patta issued in favour of the petitioner was cancelled. The learned single Judge having found that the earlier proceedings of the Revenue Department in granting patta is not a bar for initiating suo-motu proceedings, held that in respect of the Oorani, which is a public belonging, no patta could be granted as per G.O.Ms.No.1300 dated 30.04.1971 and in view of the same, the impugned order was only rectifying the mistake. It is, as against the order of the learned single Judge dismissing the writ petition, the present appeal has been filed.

2. A perusal of the records show, as correctly stated by the learned single Judge that in terms of G.O.Ms.No.1300 dated 30.04.1971, there is a suo-motu power on the part of the Revenue authorities to initiate proceedings especially in the circumstances that show cause notice was given and enquiry was conducted and admittedly the property is a common property, and the same should be set apart for public purposes. In view of the same, there is no merit in the appeal; accordingly, the writ appeal fails and the same is dismissed. No costs.

In view of dismissal of the main appeal, connected miscellaneous petition is also dismissed.

Sd/-
Asst. Registrar.

/true copy/

Sub Asst. Registrar.

kh

WEB COPY

https://hcservices.ecourts.gov.in/hcservices/

To

The Special Commissioner and
Commissioner of Land Administration
Chepauk, Chennai 600 005.

+ 1 CC To Mr. P.Raja Gopal, Advocate SR NO.31825

W.A.No.433 of 2007

ppv[co]
Gp/15.6

WEB COPY

https://hcservices.ecourts.gov.in/hcservices/